

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WELLS FARGO BANK NA,

Plaintiff,

v.

THOMAS FORBES, et al.

Defendants.

Case No. ED CV 15-00825-AB (SSx)

**ORDER GRANTING EX PARTE  
APPLICATION SHORTENING  
TIME; AND**

**GRANTING MOTION TO REMAND**

On April 27, 2015, Defendant Jason Wilson, having been sued as a tenant-Defendant in what appears to be a routine unlawful detainer action in California state court, filed a Notice of Removal of that action to this Court. (Dkt. No. 1.)

On April 29, 2015, Plaintiff Wells Fargo Bank NA filed a motion to remand (Dkt. No. 10) and an *ex parte* application to shorten time on the motion to remand. (Dkt. No. 11.)

Having read and considered the papers filed by Plaintiff, the Court hereby **GRANTS** Plaintiff's *ex parte* application and motion to remand (Dkt. Nos. 10-11), and this action is hereby **REMANDED** to state court for lack of subject matter jurisdiction.

1 As a routine unlawful detainer action, Plaintiff could not have brought this  
2 action in federal court initially because the complaint does not competently allege  
3 facts creating subject matter jurisdiction, rendering removal improper. 28 U.S.C.  
4 §1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563 (2005).

5 Under 28 U.S.C. §§ 1331, 1441(b), this unlawful detainer action does not give  
6 rise to a federal question or substantial question of federal law because unlawful  
7 detainer “is purely a creature of California law.” *Wells Fargo Bank v. Lapeen*, 2011  
8 WL 2194117 (N.D. Cal. June 6, 2011). Additionally, this unlawful detainer action  
9 does not give rise to diversity jurisdiction under 28 U.S.C. §§ 1332, 1441(b) because  
10 the underlying complaint states that the amount in controversy does not exceed  
11 \$10,000 and, further, removal on the basis of diversity jurisdiction is not proper  
12 because Wilson resides in the forum state. 28 U.S.C. § 1441(b).

13 Accordingly, the Court:

14 (1) **REMANDS** this case to the Superior Court of California, Riverside County,  
15 Historic Courthouse, 4050 Main Street, Riverside CA 92501, for lack of subject  
16 matter jurisdiction pursuant to 28 U.S.C. § 1447(c);

17 (2) **ORDERS** the Clerk to send a certified copy of this Order to the state court;  
18 and

19 (3) **ORDERS** the Clerk to serve copies of this Order on the parties.  
20 Defendant’s request to proceed in forma pauperis (Dkt. No. 3) is **DENIED** as moot.

21  
22 **IT IS SO ORDERED**

23  
24  
25 Dated: April 30, 2015



26 HONORABLE ANDRÉ BIROTTE JR.  
27 UNITED STATES DISTRICT COURT JUDGE  
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